

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
(916) 445-1912



September 8, 1981

To: All County Welfare Directors

Letter No. 81-41

PROPOSED REFUGEE AND ENTRANT REGULATION CHANGES; REVISED REFUGEE AND
ENTRANT PROCEDURES

Over the past year, Department of Health Services (DHS) and Department of Social Services (DSS) have sent county welfare directors numerous letters and telegrams providing information on, and instructions for, the implementation of both the Refugee Act of 1980 and the Fascell/Stone Amendment to the Refugee Education Assistance Act of 1980. The purpose of this letter is to bring together Medi-Cal related instructions issued in prior All County Letters by transmitting the following:

1. Proposed refugee/entrant regulation changes.
2. An advance copy of the revised Medi-Cal Eligibility Manual, Procedure Section 5F, which brings together Medi-Cal instructions contained in previous DHS All County Letters and DSS Information Notices.
3. A copy of the revised form MC 255 (1/81) Refugee Cross-Reference Transaction and accompanying instructions.
4. The revised format of the computer tape version of the MC 255 and program instructions.

1. Proposed Regulations

Nonemergency regulations adding references to refugees and entrants to Title 22, California Administrative Code (22 CAC), have been drafted and are in the review stage. Copies are attached for your review.

In general, these regulations:

- a. Repeal the two nationality-specific refugee programs (Cuban and IRAP) now in current regulations.
- b. Define terms pertinent to refugees and entrants and the related cash assistance programs.
- c. Incorporate those specific property and income exceptions applicable to refugees/entrants within pertinent sections of 22 CAC.
- d. Clarify that resettlement grants are to be treated as unearned income.

- e. Update and make more clear the categories of aliens which meet program alienage requirements.

A detailed summary of the regulation changes is provided in the Informative Digest and the Statement of Reason which accompany the regulation package.

2. Revisions to Medi-Cal Procedures Manual Section 5F -- "Refugee Assistance Reporting Requirements"

In general, this section:

- a. Changes the title to "Refugee and Entrant Identification and Reporting Requirements".
- b. Substantially reduces background information.
- c. Provides a chart giving certain program criteria and INS documentation for each refugee/entrant group for which there is special federal funding.
- d. Provides a facsimile of an INS Arrival/Departure Record, Form I-94, and examples of various notations.
- e. Explains income verification, treatment of grants, and county responsibilities in contacting sponsors.
- f. Defines refugee/entrant reporting requirements and provides a chart which identifies those persons who must be reported.
- g. Reaffirms county responsibility to evaluate Medi-Cal-only eligibility when a refugee/entrant is discontinued from a cash grant.

3. Revised Refugee Cross-Reference Transaction Form MC 255 (1/81)

The MC 255 is designed to be a key entry document. On the basis of past experience, this form was revised to:

- a. Add a county district/worker number field so that incomplete/inaccurate data can be edited and returned.
- b. Add a transaction, "H" for "Hold", which permits identification of a person who never qualified as a refugee/entrant.
- c. Redefine refugee indicator numeric identifiers to correspond, where applicable, to refugee/entrant cash grant codes.
- d. Remove instructions on the back of form.

Instructions for completing the form are provided.

September 8, 1981

4. Revised Format of Computer Tape Version of the MC 255 and Program Instructions

Counties which report refugee/entrant recipients on computer tape should note that the new format:

- a. Adds county district/worker number field.
- b. Adds transaction codes.

If you have any questions, contact your Medi-Cal program consultant.

Sincerely,

Original signed by

Madalyn M. Martinez, Chief
Medi-Cal Eligibility Branch

Attachments

cc: Medi-Cal Liaison
Medi-Cal Program Consultants
Expiration Date: March 31, 1982

5F - REFUGEE AND ENTRANT IDENTIFICATION
AND REPORTING REQUIREMENTS

The purpose of this section is to give:

1. Background information on refugee/entrant programs;
2. Details on how to identify refugees and entrants;
3. County responsibilities for the Medi-Cal eligibility determination rules for these programs;
4. County responsibilities for evaluating Medi-Cal-only eligibility for discontinued refugee/entrant cash recipients.

I. Background

Congress created the Cuban Refugee Program in 1962. This Act provided 100 percent federal refugee funding for cash assistance, medical assistance, and social services programs for needy Cuban refugees. Congress passed similar legislation for Indochinese refugees in 1975. In 1977, legislation was passed which required the transfer of refugees into the standard Aid to Families with Dependent Children (AFDC) and Medicaid programs if the refugees fit those programs, and provided for the phasedown of both special refugee programs over a period of from four to six years.

The federal Refugee Act of 1980 (Public Law 96-212), enacted March 17, 1980, repealed the Indochina Migration and Refugee Assistance Act of 1975 completely, but left in place the Cuban Program Phasedown (formerly the Cuban Refugee Program) for all Cubans who entered the United States (U. S.) prior to October 1, 1978. Public Law 96-212 removes national origin as an eligibility factor for refugee assistance and provides for uniform treatment for all persons who are admitted to the U. S. as refugees. Cuban refugees who entered the U. S. on or after October 1, 1978 are included under this Act.

In addition, the Act provides that the maximum time that special refugee funds are available to help cover a particular refugee's assistance costs is 36 months, beginning with the month of the refugee's entry into the U. S. This time limit feature became effective on April 1, 1981.

The Refugee Education Assistance Act of 1980 (Public Law 96-422), enacted October 10, 1980, was amended (Fascell/Stone Amendment) to provide Cuban and Haitian entrants benefits similar to those provided to refugees. (Most Cuban and Haitian entrants are not eligible under the Refugee Act since they are not considered refugees.) This Act limits special federal funding to 36 months also.

II. Identification of, and INS Documentation Required for Refugee and Entrants

	A. Cuban Phasedown Program (Cuban Refugee Program)	B. Refugee Resettlement Program (RRP)		C. Cuban/Haitian Entrant Program (CHEP)
		IRAP/Cuban Current Eligibles	Any Refugee Applicant	
1. Eligible Nationality Groups	a. Cuban Refugees Only	b. Indochinese and Cuban Refugees	c. Any Refugee	d. Cuban/Haitian Only
2. Entry Period	1/59 through 9/78	IRAP - to 12/80 Cuban - 10/78 to 12/80	Not applicable	Haitian - None; Cuban - 4/80 & after
3. Time Limit on Eligibility	None	36 months from date of entry	36 months from date of entry	36 months from date of entry
4. Immigration Forms: Arrival/Departure Record, Form I-94; or Resident Alien Card, Form I-151 or I-551*	One of the following: I-94 I-151 I-551	One of the following: I-94 I-151 I-551	One of the following: I-94 I-151 I-551	One of the following: I-94 I-151 I-551
5. Immigration Status: 8 Act Section and Card Notation	Form I-94: Paroled pursuant to Sec. 212(d)(5); Indefinite Parole; or Voluntary Departure; or ----- Form I-151 or I-551 and proof of refugee status**	Form I-94: Paroled pursuant to Sec. 212(d)(5); Indefinite Parole; Voluntary Departure; Indefinite Parole-Refugee; or ----- Sec. 203(a)(7) Refugee-Conditional Entrant; or ----- Form I-151 or I-551 and proof of refugee status**	Form I-94: Paroled pursuant to Sec. 212(d)(5); Indefinite Parole-Refugee; Parole Program; or ----- Sec. 203(a)(7) Refugee-Conditional Entrant; or ----- Sec. 207-Refugee; or ----- Sec. 208 Asylum Granted; or ----- Form I-151 or I-551 and proof of refugee status**	Form I-94: Paroled pursuant to Sec. 212(d)(5); Cuban/Haitian Entrant: Status Pending; or Asylum Applicant; or Exclusion Hearing; or any other status except refugee asylee, immigrant ----- Form I-151 or I-551 and proof of entrant status**
6. Registration with Cuban Refugee Center (see page 5)	yes	Yes for Cubans who entered between 10/78 and 4/80	no	no

Refugees may apply for permanent resident status and get a "green card", Resident Alien Card, Form I-151 or I-551, after one year of physical presence in the United States. A person can be a resident alien and still be eligible for refugee funded services.

*Proof of refugee status includes: (1) Photocopy of I-94 showing individual was initially admitted to United States under one of the categories given. (2) County case records, including photocopy of CA 6, etc., showing individual admitted under one of the categories given or record that individual received assistance under CRP, IRAP, RRP, or CHEP.

SAMPLE I-94 AND EXAMPLES OF I & N ACT NOTATIONS

Family Name (Capital Letters)		First Name		Middle Initial		A NONIMMIGRANT ALIEN WHO ACCEPTS UNAUTHORIZED EMPLOYMENT IS SUBJECT TO DEPORTATION
Country of Citizenship			Passport or Alien Registration Number			
• United States Address (Number, Street, City and State)						
• Airline and Flight No. or Vessel of Arrival			• Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence						Surrender this copy When Leaving The United States SEE REVERSE
Month, Day and Year of Birth			See Examples of Notations Below			
City, Province (State) and Country of Birth						
Visa Issued						
STAPLE HERE	Month, Day and Year Visa Issued		(Port)	(Date)	(Imm. Off.)	FORM I-94

CRP/IRAP		RRP		CUBAN/HAITIAN	
PAROLED pursuant to Sec. 212(d) (5) of the I & N Act to: VOLUNTARY DEPARTURE	WHEN LEAVING SEE REVERSE	PAROLED pursuant to Sec. 212(d) (5) of I & N Act to: PAROLE PROGRAM	WHEN LEAVING SEE REVERSE	PAROLED pursuant to Sec. 212(d) (5) of the I & N Act to: -1X15/81	WHEN LEAVING SEE REVERSE
PURPOSE:		PURPOSE:		PURPOSE: CUBAN ENTRANT	
EMPLOYMENT AUTHORIZED		EMPLOYMENT AUTHORIZED		(STATUS PENDING)	
(Port) (Date) (Imm. Off.) MIA 2-15-72	FORM I-94	(Port) (Date) (Imm. Off.) NYC	FORM I-94	(Port) (Date) (Imm. Off.) MIL/FM 9-2-80	FORM I-94
PAROLED pursuant to Sec. 212(d) (5) of the I & N Act to: INDEFINITE	WHEN LEAVING SEE REVERSE	ADMITTED AS A REFUGEE PURSUANT TO SEC. 207 OF THE I & N ACT. IF YOU DEPART THE U.S. YOU WILL NEED PRIOR PERMISSION FROM INS TO RETURN	WHEN LEAVING SEE REVERSE	PAROLED pursuant to Sec. 212(d) (5) of the I & N Act to: June 29, 1980	WHEN LEAVING SEE REVERSE
PURPOSE:		PURPOSE:		PURPOSE:	
VIETNAM REFUGEE		EMPLOYMENT AUTHORIZED		ASYLUM APPLICANT	
(Port) (Date) (Imm. Off.) SFR 7-15-1975 1596	FORM I-94	(Port) (Date) (Imm. Off.) NYC 8-15-80	FORM I-94	(Port) (Date) (Imm. Off.) MIA 4-29-80	FORM I-94
REFUGEE-CONDITIONAL ENTRANT You are admitted conditionally into the United States pursuant to Sec. 203 (a) (7) of the I & N Act. Unless your conditional entry is otherwise terminated, your eligibility for permanent residence will be determined after two years. EMPLOYMENT AUTHORIZED.	WHEN LEAVING SEE REVERSE	Asylum Granted Pursuant to Sec. 208 of the I & N Act	WHEN LEAVING SEE REVERSE	PAROLED pursuant to Sec. 212(d) (5) of the I & N Act to: Nov. 17, 1980	WHEN LEAVING SEE REVERSE
PURPOSE:		PURPOSE:		PURPOSE:	
EMPLOYMENT AUTHORIZED		EMPLOYMENT AUTHORIZED		EMPLOYMENT AUTHORIZED	
(Port) (Date) (Imm. Off.)	FORM I-94	(Port) (Date) (Imm. Off.)	FORM I-94	(Port) (Date) (Imm. Off.) LOS 8-18-80 1397	FORM I-94

INS documents may be photocopied for inclusion in the case folder, provided that:

- (1) Copies are marked "For Official Use by _____ Agency _____ Date."
- (2) A line slash is made through the copy.

Naturalization and citizenship papers may *not* be photocopied.

III. County Procedures

A. Refugee/Entrant Sponsor Contact

1. Contact the individual's or family's sponsor or the voluntary resettlement agency (VOLAG) by telephone or in writing and ask what assistance is being provided.
2. Enter the information provided in the case file, as well as the name and address of the sponsor and the name of the VOLAG.

B. Income Verification

1. Resettlement Grants

Record the amount of any one time resettlement grant in the case file. If there is a discrepancy between the amount reported by the refugee/entrant and the sponsor or VOLAG, request written verification from the sponsor or VOLAG. Resettlement grants shall be considered unearned income in the month received.

2. Matching Grants

- a. Non-Cuban, non-Indochinese refugees may receive a monthly matching grant from one of the following VOLAGs:

- (1) Council of Jewish Federations in association with the Hebrew Immigrant Aid Society (HIAS).
- (2) RAV TOV, Inc.
- (3) American Fund for Czechoslovak Refugees.
- (4) International Rescue Committee.
- (5) Tolstoy Foundation.
- (6) United States Catholic Conference.

If one of these VOLAGs resettled a non-Cuban, non-Indochinese refugee, determine whether they are providing a matching grant. These grants shall be considered unearned income in the month received. Apply standard income verification procedures.

C. Documentation of Cuban Refugee Center Registration

Cuban refugees who entered the U. S. prior to April 1980 must be registered with the Cuban Refugee Center.

Proof of registration:

1. Registration card issued by the U. S. Cuban Refugee Center.
2. Written or telephone verification of registration from U. S. Cuban Refugee Center. Record telephone documentation in the case file.

Eligibility and Referral Section
Cuban Refugee Center
Coral Gables, FL 33134
Telephone: (305) 350-5837

D. Reporting Refugees and Entrants to Department of Health Services (DHS)

1. Purpose of County Reporting

The State must identify Medi-Cal costs paid for refugee and entrant services during their first 36 months in the U. S. in order to claim special federal funds. The Department's Refugee Tracking System does this. Counties must provide DHS with adequate input to this System on those persons identified under Section D.3. Otherwise, state taxpayers will have to pay most of the Medi-Cal costs for these refugees and entrants.

2. Explanation of Terms

- a. MC 255: The Refugee Cross-Reference Transaction form (1/81) or electronic data processing (EDP) tape equivalent used by the county to report all newly approved time eligible refugee and entrant AFDC cash or Medi-Cal-only recipients. Information to be reported: county name and number, month of approval, county district/use, transaction code, Social Security number (SSN), refugee indicator, Medi-Cal ID number, date of entry into the U. S., and name. Refer to the form's instructions for details.
- b. "Time Eligible" refugees and entrants have been in the U. S. 36 months or less; "time expired" refugees and entrants have been in the U. S. 37 months or more. Example: Refugee who entered the U. S. in January 1979 does not qualify for Refugee Program funding after December 1981.
- c. RCA/ECA: Refugee or Entrant Cash Assistance recipients identified to the State by Aid Codes 01, 07, or 08 on the regular Medi-Cal CID/MEDS Systems. Do not report RCA/ECA recipients to the Refugee Tracking System.

2. Identification of Persons Who Must be Reported Via MC 255 or EDP Equivalent

Category	Cuban Phasedown (1/59 through 9/78)	Indochinese Refugee	Other Refugee*	Cuban/Haitian Entrant
Refugee Indicator	2	1	7	8
Time Eligible Refugee/Entrant Cash Assistance: AFDC RCA/ECA Medi-Cal-Only	yes not applicable yes	yes (Aid Code 01) no yes	yes (Aid Code 07) no yes	yes (Aid Code 08) no yes
Time Expired Refugee/Entrant Cash Assistance: AFDC RCA/ECA Medi-Cal-Only	yes not applicable yes	no no no	no no no	no no no

* Includes Cuban refugees who entered the U. S. after September 1978.

Treat American born children of persons eligible under the Refugee Resettlement Program or the Cuban/Haitian Entrant Program as a refugee or entrant if both parents are refugees or entrants, or if the only parent in the home is a refugee or entrant.

See instructions with Refugee Cross-Reference Transaction form MC 255 on how to determine date of entry of these children.

Note: Children of Cuban refugees who entered the U. S. prior to October 1, 1978 are not to be reported. No added federal funding is available for their Medi-Cal costs.

4. Change in Aid Code or Medi-Cal ID Number

Rereport time eligible refugee and entrant AFDC-cash or Medi-Cal-only recipients who are transferred between or into new cases. Otherwise the refugee or entrant will be lost to the Refugee Tracking System.

However, do not report or rereport any time expired refugee or entrant to this system.

5. Monthly Reporting Requirement

Each monthly MC 255 report is to contain information on all refugees and entrants approved for AFDC cash or Medi-Cal-only in the prior month. Send MC 255s to DHS within ten (10) working days of the end of each month, whether or not the form is completely filled.

6. Negative Reporting

Send a negative report to DHS if there have been no refugee or entrant applicant approvals in any given month. This means an MC 255 shall be sent to DHS with the notation: "No refugee applications received for (month) (year)". Also include county identification.

IV. County Responsibilities in RCA/ECA Discontinuance Cases

A. Evaluation of Medi-Cal-Only Eligibility

Section 50183, Title 22, California Administrative Code (22 CAC), requires counties to evaluate Medi-Cal-only eligibility for persons discontinued from cash assistance, except in certain defined cases. This section also applies to persons discontinued from RCA/ECA.

B. Medi-Cal Evaluation for Time Expired RCA/ECA Cases

Persons discontinued from RCA/ECA because they are time expired receive a special cash discontinuance Notice of Action, Form NA 991 (4/81) "RCA/ECA MC -- Decrease/Expiration (time expiration)". This Notice of Action is a multi-purpose form which also informs refugees or entrants of their Medi-Cal-only status or of steps needed to determine their Medi-Cal-only status. The county shall follow the Medi-Cal Notice of Action requirements of Section 50179.5 in RCA/ECA discontinuances.

(1) COUNTY NAME _____

[illegible]

Return to: Medi-Cal Eligibility Branch
Department of Health Services
714 P Street, Room 1692
Sacramento, CA 95814

(5) REFUGEE INDICATOR
 "1" = Indochinese Refugee
 "2" = Cuban Phasedown

"7" = Other Refugee
"8" = Cuban/Haitian Entrant

Trans Code (3)	BENEFICIARY SSA NUMBER (4)	Rtg. Ind. (5)	BENEFICIARY I.D. NUMBER (6)							ENTRY DATE (7)									
			C	O	AID	7 Digit Serial				FBU	Pers.	Month	Year						
A	9,9,9,6,5,4,3,2,1	1	0	1	3,5	0	1	2	3	4	5	6	0	5	0	0	6	8	0
↓	4,3,2,3	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	6	0	↓	↓	↓	
↓	4,3,2,5	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	0	1	↓	↓	↓	
↓	pending	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	0	2	↓	↓	↓	

a. Transaction Code (3)

Enter A (add) to report:

- . New or transferred refugee/entrant recipient.
- . New/revised information for refugee/entrant reported previously including:
 - Newly reported Social Security number (SSN).
 - Change in refugee indicator.
 - Date of entry.

Enter H (hold) to identify person who was previously reported as refugee/entrant in error. Example: Immigrant or undocumented alien who erroneously claimed to be a refugee/entrant.

Enter D (delete) only:

- . To change incorrect SSN; follow with Add transaction giving correct SSN.

b. Beneficiary SSA Number (4)

Enter SSA if available. If not available, leave blank or note "pending".

c. Refugee Indicator (5)

Use following codes:

- 1 = Indochinese Refugee: Refugee from Vietnam, Cambodia, or Laos.
- 2 = Cuban Phasedown: Cuban refugee who entered the United States prior to October 1978.
- 7 = Other Refugee: Refugee from any other nation including Cuban refugees who entered the United States after October 1978.
- 8 = Cuban/Haitian Entrant: Nonrefugee Cuban or Haitian who has "Entrant" status.

d. Beneficiary ID Number (6)

Enter 14-digit Medi-Cal ID number. BE SURE TO ENTER VALID MEDICAL AID CODE, not internal county code, along with 7-digit serial, Family Budget Unit (FBU) and Persons number. Enter only one (1) numeral in each space.

INSTRUCTIONS FOR COMPUTER
RECORD VERSION OF MC 255

These instructions cover the record format of the computer MC255, tape format specifications, frequency of mailing, mailing address, external tape label, and the contact person at DHS Data Systems Branch.

Tape Record Format

The record length for each record is 80 characters. If there is no information to be entered for a specific area, fill it with spaces (blanks).

<u>Position</u>	<u>Field Description and Contents</u>
1-2	County of Issuance (1) Enter two digit county number.
3	Transaction Code/Update Activity Code (2) Enter A (add) for: <ul style="list-style-type: none">. New or transferred refugee/entrant recipient. New/revised information for refugee/entrant reported previously including:<ul style="list-style-type: none">--newly reported SSN--change in refugee indicator--date of entry Enter H (hold) to identify person who previously was reported as refugee/entrant in error. Enter C (change) to <u>change</u> an incorrect SSN; copy correct SSN in position 32-40. Transaction code D (delete) has been discontinued.
4-12	Beneficiary Social Security Number (SSN) (3) Enter SSN if available. If transaction code is C, enter old SSN.
13	Refugee Indicator (4) Use following codes; <ul style="list-style-type: none">1= Indochinese Refugee: Refugee from Vietnam, Cambodia or Laos.2= Cuban Phasedown: Cuban refugee who entered U.S. prior to 10/787= Other refugee: Refugee from <u>any</u> other nation including Cuban refugees who entered U.S. <u>after</u> 10/78.8= Cuban/Haitian Entrant: Non-refugee Cuban or Haitian who has "Entrant" status.
14-27	Beneficiary I.D. Number (5) Enter 14 digit Medi-Cal I.D. Number
28-31	Date of Entry (6) Enter month and year of entry shown on INS form I-94 in the format MMYYY.

Position Field Description and Contents

32-40 New Beneficiary SSN (7)
 If 'C' has been entered in transaction code (2) enter new SSN here.

41-46 County district/use (8)
 Enter district office number, if used. Enter eligibility worker number in use field (positions 43-46). Make format compatible with CID record.

47-80 Blank

Tape Format, Labeling and Mailing Specifications

Tape Specifications

6250 BPI (bit per inch)
Standard 9 track
Standard IBM Labels
 INCLUDE:
 Header: 3x80 character records
 Tape Mark
 Data
 Tape Mark
 Trailer: 1x80 character record
 Tape Mark
LRECL=80 (logical record length)
BLKSIZE=8000 (block size)

DHS will return the tapes to the counties, after processing is completed. There will be no tape charges.

External Tape Label

County Name
Refugee Tracking Data for month ending MM/DD/YY
Total number records on the tape
Serial number of the tape

Mailing Frequency

Send total refugee/entrant recipient replacement file, or file containing refugee/entrant additions/updates by the 10th of each month.

Transmittal Memo

Include transmittal memo with each tape shipment. The memo must include:
 County name and number
 Tape name (DSN)
 Month created
 Total number of records
 Serial number of tape
 Record length
 Block size
 Tape labeling (standard or otherwise)
 Recording density

Mailing Address

Department of Health Services
ATTN: Data Guidance, Refugee Tracking Information
744 P Street, Room 1050
Sacramento, CA 95814

Contact Person

Department of Health Services
ATTN: Wayne P. Nelson
744 P Street, Room 1141
Sacramento, CA 95814
(916) 445-7394

INFORMATIVE DIGEST

Current regulations provide for two nationality specific refugee programs, the Cuban Refugee Program and the Indochinese Refugee Assistance Program. Individuals who are in one of these categories must meet regular Medi-Cal eligibility requirements, except for minor modifications, in order to qualify for medical assistance.

The federal laws upon which these nationality specific programs are based have been replaced by the Refugee Act of 1980. This Act creates an ongoing program for refugee assistance which treats all refugees, regardless of national origin, in the same manner and provides that Cubans who were admitted under the Cuban Refugee Program prior to October 1978 remain under Cuban Phasedown Program federal funding. A second federal law, specific to Cubans and Haitians provides for similar assistance to non-refugee Cubans and Haitians.

The proposed regulations remove national origin as a criterion for refugee assistance, extends to non-refugee Cubans and Haitians the same eligibility criteria as for refugees, and incorporates specific property and income modifications within pertinent sections of Title 22. Cubans who entered the U.S. prior to October 1978 under the Cuban Refugee Program are no longer specifically addressed in regulation, since persons in the "Cuban Phasedown Program" category are not included in the Refugee Act of 1980. These persons are treated in the same manner as any other applicant or recipient of Medi-Cal. The State will handle special federal claiming.

STATEMENT OF REASON

The purpose of the proposed regulations is to implement the federal Refugee Act of 1980 (PL 96-212) and the federal Refugee Education Assistance Act of 1980 (PL 96-422). PL 96-212 removes nationality as an eligibility factor for assistance under the Refugee Resettlement Program; extends to all persons admitted to the U.S. as refugees the same benefits that were provided to Indochinese under the Indochinese Refugee Assistance Program (IRAP); repeals the IRAP; but continues the federal funding provisions of the Cuban Phasedown Program for all Cuban refugees who entered the U.S. prior to October 1, 1978. In addition, PL 96-212 provides for three years of 100 percent federal funding for the cost of services provided to refugees. PL 96-422 provides benefits similar to those provided to refugees under PL 96-212 to non-refugee Cuban and Haitian citizens or natives currently in the U.S. who: are granted parole status as Cuban/Haitian Entrant (Status Pending); have an application for asylum pending; are the subject of an exclusion hearing; or are not under a final, nonappealable, and legally enforceable order of deportation or exclusion.

The U.S. Department of Health and Human Services (DHHS) Action Transmittals SRS AT-75-27, dated June 9, 1975 and ORR-AT-80-6, dated August 29, 1980 define federal policy in the refugee program. An October 24, 1980 federal policy letter from DHHS to Governor Brown established guidelines for the Cuban/Haitian Entrant program. These directives are not available to counties, are not binding on counties, nor are they easily understood.

The proposed regulation changes, summarized below, are necessary in order to ensure statewide implementation of these federal programs, and to provide for uniform application of eligibility criteria. Under Welfare Institutions Code Sections 10743 and 10744, only statutes and regulations pertaining to the Medi-Cal program are binding on County Welfare Departments. In order to insure uniform statewide interpretation of federal statute, state regulations are required.

Sections 50012, 50026, 50078, 50121, 50145, 50227, 50701, and 50703 are amended to identify and add Refugee Cash Assistance (RCA) and Entrant Cash Assistance (ECA) to pertinent sections of California Administrative Code, Title 22 (22 CAC) and to remove references to obsolete programs. These changes are necessary so that county eligibility workers will treat RCA and ECA recipients in the same manner as any other cash grant recipients.

Sections 50023.1, 50036.1, 50036.2, 50083.1 and 50083.2 are adopted to define terms pertinent to the Refugee Resettlement Program and the Cuban/Haitian Entrant Program. This action is necessary so that these terms will be correctly interpreted in the context of other pertinent regulations.

Section 50126 is amended to delete reference to obsolete programs and to make the title and the content uniform with current regulations.

Sections 50253, 50255, 50257 and 50259 are repealed. The programs specified in these sections no longer exist as separate programs in the context used in these regulations. Their retention would cause confusion among county eligibility workers and could lead to errors in program administration.

Section 50201 is amended to add RCA and ECA to the list of Medi-Cal programs, and to delete obsolete titles. This action is necessary to clearly identify valid Medi-Cal program components.

Section 50301 is amended to provide that aliens admitted to the U.S. under the Refugee Act of 1980 (PL 96-212) or the Refugee Education Assistance Act of 1980 (PL 96-422) meet program alienage requirements. Alienage is a critical federal Medicaid/state Medi-Cal program eligibility factor. It is necessary to clearly identify categories of aliens who meet program requirements, so alien Medi-Cal applicants or beneficiaries will be treated uniformly statewide.

Sections 50305 is amended to identify specific INS documentation refugees or asylees must possess. New INS designations were added by PL 96-212. In addition it specifies the INS document notations which identify Cuban/Haitian Entrants. This action is necessary to provide for uniform treatment statewide of persons admitted to the U.S. under these categories. Currently these categories are subject to question by county eligibility workers.

Section 50313 is amended to further clarify that aliens admitted to the U.S. for a limited period are not eligible for Medi-Cal. Such clarification is needed since aliens who are applicants for asylum, except Cuban and Haitians covered under PL 96-422, are not eligible for Medi-Cal.

Section 50402 is amended to provide that a refugee's or asylee's property remaining in the country of origin which cannot be utilized and is otherwise not available shall not be considered. The Refugee Act of 1980 (PL 96-212) and federal Action Transmittals require this exclusion. The Refugee Education Assistance Act of 1980 (PL 96-422) extends Refugee Act provisions to Cuban/Haitian entrants.

Section 50507 is amended to add refugee resettlement grants and matching grants to Gross Unearned Income. This is necessary to clarify the fact that federal rules require these payments are to be counted as income.

Section 50509 is amended to clarify the treatment of sponsor provided refugee in-kind income. The Refugee Act of 1980 (PL 96-212) and federal Action Transmittals direct states to exclude such income. The Refugee Education Assistance Act of 1980 (PL 96-422) requires the same treatment for Cuban/Haitian entrants.

Section 50710 is amended to specify those programs under which retroactive Medi-Cal eligibility may be determined. This is necessary because Section 50201, to which this section refers, was amended.

50023.1 Asylee. Asylee means a person from any nation who was admitted
to the United States and granted asylum under provisions of the INA.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions
Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, Welfare and Institutions
Code.

50026. Cash Grant. Cash grant means the money payment made to a person eligible for AFDC, EVH, ECA, RCA, or SSI/SSP.

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NEW REGULATORY LANGUAGE.

50036.1 Cuban/Haitian Entrant. Cuban/Haitian Entrant means a citizen or
native of Cuba or Haiti who was paroled into the United States under provisions
of the Refugee Education Assistance Act of 1980 (PL 96-422).

PRELINED DRAFT PAPER INDICATES
AND IS TO BE USED ONLY FOR ALL
NEW REGULATORY LANGUAGE.

50036.2 Entrant Cash Assistance (ECA). Entrant cash assistance means
the public assistance program that provides cash grant and Medi-Cal to
Cuban or Haitian entrants who meet the requirements of the Refugee
Education Assistance Act of 1980 (PL 96-422).

50078. Public Assistance (PA) Recipient. Public Assistance (PA) recipient means a person or family receiving assistance under the AFDC, SSI/SSP, Indochinese-refugee RCA or Cuban-refugee-program ECA programs.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.
Reference: Section 14005.1, Welfare and Institutions Code.

50083.1. Refugee. Refugee means a person from any nation who was admitted to the United States under the INA as a refugee.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, Welfare and Institutions Code.

50083.2. Refugee Cash Assistance (RCA), Refugee Cash Assistance means
the public assistance program that provides a cash grant and Medi-Cal to
refugees under the Refugee Resettlement Program (PL 96-212).

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions
Code.

Reference: Section 14005.1, Welfare and Institutions Code.

50126. County of Responsibility -- Persons Eligible Under the Medi-Cal Special Treatment Programs or the MC 800 Program. (a) The county of responsibility for determining Medi-Cal eligibility for persons under the Cuban Refugee, Indochinese Refugee, and Medi-Cal Dialysis Special Treatment Programs shall be:

(1) The county in which the person's residence is located.

(2) The county of physical presence if the person's residence is unclear.

(b) The county of responsibility for determining Medi-Cal eligibility for persons eligible under the MC 800 Program shall be the county which owns the medical facility, or which has a contract with the hospital, where health services are received.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code
Reference: Sections 14005.4, 14052, 14143 and 14145, Welfare and Institutions Code

50145

50145. Medi-Cal Application of Persons Applying for a Cash Grant. A person or family applying and approved for AFDC, ECA, RCA or SSI/SSP shall not be required to submit a separate application for Medi-Cal. Medi-Cal eligibility is established automatically.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1 and 14050.1, Welfare and Institutions Code.

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50201

50201. Medi-Cal Programs -- General. (a) A person or family may be eligible for Medi-Cal under one of the following programs.

- (1) Aid to Families with Dependent Children (AFDC).
- (2) Supplemental Security Income/State Supplemental Program (SSI/SSP)
- (3) Refugee Cash Assistance (RCA).
- (4) Cuban/Haitian Entrant Cash Assistance (ECA).
- (3). (5) Other Public Assistance (Other PA).
- (4). (6) Medically Needy (MN).
- (5). (7) Medically Indigent (MI).
- (6). (8) Miscellaneous-Special-Programs. MC 800
- (7). (9) Special Treatment Programs.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Section 14005.1, Welfare and Institutions Code.

50227

50227. Public Assistance Cash Grant Programs. (a) Public assistance cash grant programs include the following programs:

(1) AFDC.

(2) SSI/SSP.

~~(3) -- Cuban-Refugee-Cash-Grant.~~

(3) RCA

~~(4) -- Indochinese-Refugee-Cash-Grant.~~

(4) ECA.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Section 14005.1, Welfare and Institutions Code.

50253

~~50253. Special Programs.~~ *Repeal*
Sections ~~50253~~ through 50263. Special programs are those specified in

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Section 14005.1, 14005.4 and 14005.7, Welfare and Institutions Code.

50255

~~50255. Repatriate Program. Persons eligible for cash payments and other assistance under the Repatriate program shall not be eligible for Medi-Cal. Medi-Cal eligibility may be established upon discontinuance from the program.~~

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, Welfare and Institutions Code.

50257

50257. Cuban Refugee Program. (a) Persons eligible for or receiving a cash grant under the Cuban Refugee program shall receive a Medi-Cal card with no share of cost for each month in which they are eligible.

(b) Persons who are Cuban refugees as defined in the Department of Benefit Payments Manual of Policies and Procedures and are not eligible for a cash grant shall have their eligibility determined in accordance with requirements set forth in these regulations, with the following modifications:

- (1) All linkage requirements are waived.
- (2) Financial resources which are not available to the refugee, including resources remaining in Cuba owned by the refugee or a responsible relative, shall not be considered.
- (3) The county of responsibility for Medi-Cal eligibility purposes shall be the county in which the applicant or beneficiary is physically present.

(c) Children of Cuban refugee parents who are not eligible to apply for Medi-Cal as Cuban refugees may apply for Medi-Cal under one of the programs specified in Section 50201.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, Welfare and Institutions Code.

50259

50259. Indochinese Refugee Status. (a) Persons eligible for Indochinese Refugee status are Indochinese refugees who meet the following requirements of (1) and either (2) or (3):

(1) Have fled from and cannot, or are unwilling to, return to Cambodia, Vietnam or Laos because of persecution, or fear of persecution, on the basis of race, religion or political opinion.

(2) Possess an Arrival-Departure Record-Parolee Edition, I-94 issued by INS indicating they have been:

- (A) Paroled into the United States as a refugee.
- (B) Granted voluntary departure status as a refugee.
- (C) Granted conditional entry status.

(3) Possess a Form I-151 or 551 issued by INS indicating they have been:

- (A) Admitted to the United States with permanent residence status on or after April 8, 1975.

50259-2

(B) Admitted to the United States with permanent residence status as a result of an adjustment of status under Public Law 95-145.

(b) Persons who meet the requirements of (a) who are dependents of repatriated United States citizens and would be eligible under the Repatriate program, as described in the Department of Benefit Payments Manual of Policies and Procedures, Division 63, Chapter 68-100, shall not be considered Indochinese refugees until they are no longer eligible under the Repatriate program.

(c) Persons who are Indochinese refugees, as defined in (a), shall be eligible for Medi-Cal as follows:

(1) Persons receiving a cash grant under the Indochinese Refugee cash grant program shall receive a Medi-Cal card with no share of cost as specified in Section 50227.

(2) Persons who are Indochinese refugees and are receiving a cash grant under the AFDC program shall receive a Medi-Cal card with no share of cost as specified in Section 50227.

(3) Persons who are Indochinese refugees shall have their eligibility for Medi-Cal-Only determined in accordance with these regulations with the following modifications:

(A) Financial resources which are not available to the refugee, including resources remaining in Cambodia, Vietnam, or Laos owned by the refugee or a responsible relative, shall not be considered.

(B) The income and resources of sponsors, and any services or shelter provided in kind to refugees by their sponsors, shall not be considered.

(C) The county of responsibility for Medi-Cal eligibility purposes shall be the county in which the applicant or beneficiary is physically present.

(D) When establishing deprivation under the AFDC-MN program due to unemployment for a refugee family, the father shall be considered connected to the labor force if he has met the work requirements specified in Section 50215 (f) (2) (A) prior to any of these three months:

1. The month of application for Medi-Cal.
2. The month of change in family composition which creates AFDC-Unemployed linkage.
3. October 1977.

50259 - 3

(4) The county shall report eligibles who are determined to have Indochinese refugee status, in accordance with Departmental procedures.

(5) In addition to determining eligibility in accordance with (3), the county department shall verify and document in the case record that sponsorship has broken down as far as medical needs are concerned if the sponsorship agreement included comprehensive medical care, in accordance with the following:

(A) The sponsor shall be contacted either verbally or in writing to identify the items of need which the sponsor will continue to provide.

(B) The contact specified in (A) shall be documented in the case file.

(d) Children who are born in the United States and have at least one Indochinese refugee parent, as determined in accordance with (a), shall be considered as follows:

(1) Children of two Indochinese refugees shall have Medi-Cal-Only eligibility determined under Indochinese Refugee status.

(2) Children of one Indochinese refugee and one United States citizen or permanent resident alien not qualifying as an Indochinese Refugee shall have Medi-Cal-Only eligibility determined as:

(A) An Indochinese Refugee, if the only parent living in the home is an Indochinese Refugee.

(B) An applicant for any Medi-Cal program specified in Section 50201, if both parents are living in the home or if the only parent living in the home is a United States citizen or permanent resident alien not qualifying as an Indochinese Refugee.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, Welfare and Institutions Code.

50301

Article 7. Alienage, Citizenship and Residence

50301. Residence and Citizenship Requirements. (a) To be eligible under the MN or MI programs, an applicant or beneficiary shall be a California resident, as specified in Section 50320, who is one of the following:

- (1) A citizen of the United States.
- (2) An alien lawfully admitted for permanent residence.
- (3) An alien permanently residing in the United States under color of law. These aliens are persons who are any of the following:

~~(A) Lawfully in the United States as conditional entrants, or refugees, and whose status has not been terminated by the United States Attorney General.~~

(A) Lawfully admitted to the United States as a refugee or asylee under the Refugee Act of 1980 (P.L. 96-212).

(B) A Cuban/Haitian Entrant who is present in the United States under provisions of the Refugee Education Assistance Act of 1980 (P.L. 96-4

~~(B)~~ (C) Lawfully in the United States for an indefinite period as parolees.

~~(C)~~ (D) Granted indefinite voluntary departure in lieu of deportation.

~~(D)~~ (E) Granted an indefinite stay-of-deportation.

(F) Granted permanent status on an indefinite or periodic basis by INS.

(G) Granted any other color of law status as specified by INS.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 11104, 14005.1, 14005.4, 14005.7 and 14007, Welfare and Institutions Code.

50305

50305. Documentation of an Alien's Legal Status. (a) Each applicant who is not a United States citizen shall be required to present evidence of legal entry into the United States in accordance with the following criteria:

(1) Aliens lawfully admitted for permanent residence: Alien Registration Receipt Card, INS Form I-151 or 551, or earlier forms AR-3 and AR-3a, if specifically endorsed to show legal right to reside permanently.

~~(2) Conditional entrants: Arrival-Departure Record, INS Form I-9a, endorsed "PERMITS CONDITIONAL ENTRY".~~

(2) Refugees or Asylees: Arrival-Departure Record, INS I-94 endorsed with one of the following notations:

- (A) Paroled pursuant to Section 212 (d)(5) of the INA.
as a refugee or paroled under "Parole Program".
- (B) Admitted as a Conditional Entrant under Section 203 (a)(7) of INA.
- (C) Admitted as refugee under Section 207 of INA.
- (D) Granted asylum status under Section 208 of INA.
- (E) Any other endorsement or notation conferring refugee or asylee status as specified by INS.

(3) Parolees: Arrival-Departure Record-Parolee Edition, INS Form I-94, endorsed to show bearer has been paroled into the United States for an indefinite period pursuant to Section 212 (d) (5), Immigration and Nationality Act.

(4) Cuban/Haitian Entrant: Arrival-Departure Record, INS I-94 endorsed with one of the following notations which show bearer has been paroled into the United States pursuant to Section 212 (d)(5) of INA:

- (A) Cuban/Haitian Entrant (status pending).
- (B) Exclusion Hearing.
- (C) Asylum Applicant.
- (D) Any other special status established by INS.

50305-2

(b) Aliens unable to present unexpired documentation of legal entry shall complete the WR-6 CA 6 procedure in accordance with Section 50310.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, 11104 and 14007 Welfare and Institutions Code.

50313. Legal Entry for a Limited Period. (a) An alien who declares or presents documentation attesting to legal entry for a limited period of time shall not be eligible for Medi-Cal.

(b) This provision shall include aliens whose:

(1) Visa, including a visitor's or a student's visa, has not expired.

(2) Parole status has not expired.

(3) Application for political asylum is pending, except those persons covered under 50301 (a) (3) (B).

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.1, 14005.4 and 14005.7, 14007, Welfare and Institutions Code.

50402. Availability of Property.

(a) Property which is not available shall not be considered in determining eligibility.

(b) Property owned by a refugee, asylee or Cuban/Haitian entrant which remains in the country from which the person fled, and which is not available to the person through utilization, conversion or other means, shall not be considered.

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Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code

Reference: Section 14006, Welfare and Institutions Code.

50507. Gross Unearned Income. (a) Gross unearned income includes:

(1) Old age, survivors and disability insurance payments from the Social Security Administration (OASDI).

(2) Annuities, which are sums paid yearly or at other specific intervals in return for payment of a fixed sum by the annuitant.

(3) Pensions.

(4) Retirement payments.

(5) Disability payments from an employer or from insurance.

(6) Veteran's payments which include:

(A) Pensions based on need.

(B) Compensation payments.

(C) Aid and maintenance payments.

(D) Educational assistance.

(7) Worker's Compensation, except for any amount determined to be unavailable in accordance with Section 50515.

(8) Railroad Retirement and any other payments made by the Railroad Retirement Board.

(9) Unemployment Insurance Benefits.

(10) Proceeds from a life insurance policy which are in excess of the lesser of:

(A) \$1,500.

(B) The amount expended on the insured person's last illness and burial expenses.

(11) Other insurance payments.

(12) Loans which do not require repayment.

(13) Gifts.

(14) Child support, whether provided voluntarily or by court order.

(15) Alimony payments.

(16) Inheritances which are in the form of cash, securities or other liquid assets.

(17) Contributions from any source.

- (13) Prizes and awards.
- (19) Net income from the rental of real or personal property which is not considered gross earned income in accordance with Section 50503(a)(3).
- (20) Dividends.
- (21) Interest payments from any source, including trust, trust deeds and contracts of sale.
- (22) Royalties, including but not limited to payments to a holder of a patent or copyright, for the use of the invention, or to the owner of a mine, oil well or similar holdings, for the extraction of the product or other use.
- (23) Income of a PA or Other PA recipient which is not used to determine the recipient's eligibility.
- (24) Incentive payments or training allowances under CETA.
- (25) One-time resettlement cash payment or monthly matching grant cash payments received by refugees or Cuban/Haitian entrants from voluntary resettlement agencies.
- ~~(25)~~(26) Any other income which is available to meet current needs in accordance with Section 50513.
- ~~(26)~~ (27) Any of the items specified in (10) through ~~(25)~~ (26) if received in a lump sum payment.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.4 and 14005.7, Welfare and Institutions Code.

50509

50509. Income In Kind. (a) Income in kind is any support or maintenance received in kind from a person other than a responsible relative, for:

- (1) Housing.
- (2) Utilities.
- (3) Food.
- (4) Clothing.

(b) Income in kind shall be considered as income only if the entire item of need is provided.

(c) The value of free board and lodging received during a temporary absence from the home shall be considered as follows:

(1) If the absence is for one month or less, the income in kind value shall not be considered income.

(2) If the absence is for more than one month, the income in kind value shall be considered income to the extent that it exceeds the actual costs of maintaining the home to which the beneficiary will return.

(d) Income in kind which is received as earned income shall be subject to earned income exemptions and deductions.

(e) Income in kind which is received as unearned income shall be subject to unearned income exemptions and deductions.

(f) Income in kind provided to refugees or Cuban/Haitian entrants by their sponsors shall not be considered.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.4 and 15005.7, Welfare and Institutions Code.

50701

Article 13. Period of Eligibility

50701. Beginning Date of Eligibility. (a) The beginning date of eligibility for Medi-Cal for persons who apply for AFDC, ECA, RCA or SSI/SSP shall be the later of:

(1) The first day of the month of application, notwithstanding the beginning date of the cash grant.

(2) The first day of the month in which the eligibility requirements of the applicable cash grant program are met.

(b) The beginning date of eligibility for Medi-Cal specified in (a) shall also apply to:

(1) Persons who apply for AFDC, ECA or RCA and meet eligibility requirements in the month of application but whose eligibility is denied because they no longer meet eligibility requirements at the time eligibility for AFDC, ECA or RCA is determined.

(2) Persons who apply for SSI/SSP and meet the eligibility requirements but are denied because they die before the application can be processed and an application is filed on their behalf at the county department within 30 days of receipt of a written notice of denial.

(c) The beginning date of eligibility for persons applying only for Medi-Cal, whose eligibility has not yet been determined shall be the later of:

(1) The first day of the month of application, if all eligibility requirements of the appropriate Medi-Cal program are met.

(2) The first day of the month, subsequent to the month of application, during which the eligibility requirements of the appropriate Medi-Cal program are met.

(d) For the purposes of (c), eligibility requirements are considered to be met throughout the month if they are met at any time during the month.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Section 14005.1, 14005.4, and 14005.7, Welfare and Institutions Code.

50703

50703. Period of Eligibility. (a) The period of eligibility for Medi-Cal for persons eligible for AFDC, ECA, RCA or SSI/SSP shall begin with the date specified in Section 50701 (a) and (b), and shall continue through each successive month during which the person is determined to be eligible.

(b) The period of eligibility for Medi-Cal for persons eligible as Other PA recipients shall begin with the date specified in Section 50701 (c), and shall continue through each successive month during which the person meets all eligibility requirements of the appropriate Other PA category.

(c) The period of eligibility for Medi-Cal for persons eligible as MN or MI, except as specified in (d), shall begin with the date specified in Section 50701 (c), and shall continue through each successive month during which the beneficiary meets all of the following conditions:

(1) Has cooperated with the county department to the extent required by Sections 50135 and 50187.

(2) Has met the property requirements specified in Article 9 at some time during the month.

(3) Has met the citizenship, residence and institutional status requirements specified in Articles 6 and 7 at some time during the month.

(d) The period of eligibility for Medi-Cal for a child applying on his or her own behalf in accordance with Section 50147.1 (a) shall begin with the date specified in Section 50701 (c), and shall continue through each successive month during which the child meets both of the following conditions:

(1) Has met the conditions specified in (c).

(2) Has submitted a completed and signed form MC 4026 to the county department during the month in question which states that the child has a need for services related to sexual assault, drug or alcohol abuse, pregnancy, family planning or venereal disease.

(e) The period of eligibility shall be modified for any portion of a month in which a person is ineligible due to institutional status.

(f) A final date of eligibility shall be established when the county department determines that the person or family will no longer meet all eligibility requirements as of the first of the following month. The final date shall be the last day of the:

(1) Current month, if the discontinuance is not an adverse action as defined in Section 50015.

(2) Current month, if the discontinuance is an adverse action and the ten day advance notice requirements of Section 50179 (e) will be met in the current month.

(3) Following month, if the discontinuance is an adverse action and the ten day advance notice requirements will not be met in the current month.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Section 14005.1, Welfare and Institutions Code.